

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Griselda Martinez, et al.,

NO. C 08-04864 JW

Plaintiffs,

ORDER OF DISMISSAL

v.

Rene A. Amador,

Defendant.

On October 23, 2008, Plaintiffs filed this action. (See Docket Item No. 1.) On April 10, 2009, Plaintiffs moved for an entry of default. (See Docket Item No. 5.) On April 15, 2009, the Clerk of Court entered default against Defendant. (See Docket Item No. 8.) On May 6, 2009, the Court granted Plaintiffs' Motion to vacate the case management conference in light of the default entry. However, the Court ordered Plaintiffs to file their Motion for Default Judgment on or before May 26, 2009 and set a hearing on the Motion for June 29, 2009. (See Docket Item No. 11.)


On June 23, 2009, the Court denied counsel's request for an extension of time to file a motion for default judgment on the grounds that (1) counsel did not file his Motion for extension of time until May 26, 2009, which was the deadline the Court set for the filing of the Motion for Default and (2) counsel's motion was devoid of any reason or evidence showing why an extension of time will yield any different results with respect to counsel's attempts to contact Plaintiffs. (See Docket Item No. 15.) Thus, the Court ordered Plaintiffs to appear on July 13, 2009 to show cause why this case should not be dismissed. (Id.) The Court gave counsel until July 6, 2009 to produce a

1 declaration showing that Plaintiffs had been or could be contacted if given sufficient time. (Id.) To
2 date, counsel has failed to provide such a declaration.

3 On July 13, 2009, the Court conducted a hearing on its order to show cause. Neither
4 Plaintiffs nor counsel appeared for the hearing. Accordingly, this action is ordered DISMISSED
5 pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. This dismissal is without prejudice.

6 The Clerk shall close this file.

7
8 Dated: July 13, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 James Dal Bon jdblaw@earthlink.net

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4 **Dated: July 13, 2009**

Richard W. Wieking, Clerk

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**
8 **Courtroom Deputy**
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